

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

ELY FIELD OFFICE

**EAGLE AND BUSTER FIRE EMERGENCY STABILIZATION AND
REHABILITATION GATHER PLAN AND ENVIRONMENTAL ASSESSMENT**

NV-040-03-028

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Background Information

With passage of the Wild Free Roaming Horse and Burro Act of 1971 (Public Law 92-195), Congress found "...wild free roaming horses and burros are living symbols of the historic and pioneer spirit of the West...." In addition, the Secretary was ordered to "...manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands..." From the passage of the Act, through the present day, the Bureau of Land Management (BLM) Ely Field Office has endeavored to meet the requirements of the Act. The procedures and policies implemented to accomplish this mandate have been constantly evolving over the years.

The Eagle Fire was a lightning caused wild fire, which started on 07/11/2002 and was declared controlled on 7/22/2002. There were a total of 9,017 acres burned. This wild fire occurred within the southeastern corner of the Wilson Creek Herd Management Area (HMA) as well as the western portion of the Chokecherry HMA within the Cedar City District in Utah along the Utah/Nevada Stateline.

The Buster Fire was a lightning caused wild fire, which started on 7/30/2002 and was declared controlled on 08/07/2002. There were a total of 4,117 acres burned. This wild fire was in the southeastern corner of the Wilson Creek Herd Management Area HMA approximately 6 miles from the Utah/Nevada Stateline.

On March 11 2003 the Buster Fire was seeded to aid in the rehabilitation of the area. The seed mix for the Buster Fire consisted of Indian ricegrass (rimrock and nezpar), Sandburg bluegrass, Streambank wheatgrass, Snake River secar and Mountain big sagebrush. Phase one of the Eagle fire was seed on April 08, 2003. Phase 2 is planned for the 15th of September 2003. The Eagle Fire phase 1 seed mix consisted of Annual Ryegrass, crested wheatgrass, Pubescent wheatgrass, Intermediate wheatgrass, Small burnett, Sandberg bluegrass, Lewis Flax Appar, Indian ricegrass, and San Luis Slender wheatgrass. Phase 2 seed mix is expected to be the same depending on seed availability. The combined cost for the Buster Fire and phase 1 of the Eagle Fire rehabilitation as of July 16 2003 was \$577,242.60. Upon completion of phase 2 of the Eagle Fire, the projected cost for the rehabilitation of the Eagle and Buster Fires will be \$874,344.70.

Post-fire monitoring visits to the fires indicate that wild horses are actively using the areas yearlong and watering within the burns. Their presence and use within the burn areas are inhibiting the establishment of perennial vegetation which may result in unsuccessful rehabilitation and stabilization of the Eagle and Buster Fires.

The established Appropriate Management Level (AML) for the Wilson Creek HMA is 160 wild horses. The population estimate for the Wilson Creek HMA is at 583 horses as of July 1 2003. Approximately 50 to 70 wild horses are found within and adjacent to the Eagle and Buster fire areas. These wild horses have been the main factor towards the non-attainment of stabilization and rehabilitation efforts

This document has been prepared to assess the environmental impacts of gathering and removing wild horses from Eagle and Buster fires to aid in the stabilization and rehabilitation of vegetation in these areas. (Map 1)

Need for the Proposal

The need for this action is to reduce grazing stress on forage resources during this critical period of stabilization and rehabilitation of the vegetative resources.

Relationship to Planning

The proposed action is in conformance with the Schell Management Framework Plan (MFP), Schell Grazing Environmental Impact Statement, (EIS), and subsequent Record of Decision (ROD) dated 1983. The proposed action is consistent with the Lincoln County Public Land and Natural Resource Management Plan as adopted by the Board of County Commissioners of Lincoln County, December 5, 1997. The proposed action is also consistent with the Strategic Plan for Management of Wild Horses and Burros on Public Lands, dated June 1992. It is consistent with state, and local laws, regulations, and plans to the maximum extent possible.

Issues

The issue which has been identified during internal scoping consists of the success of the stabilization and rehabilitation of the Eagle and Buster Fires in relation to wild horse management.

Proposed Action and Alternatives

Proposed Action

The proposed action is to capture and remove 50 wild horses from and adjacent to the Eagle and Buster Fires within the Wilson Creek HMA (Maps 1 and 2). From the capture site wild horses would be transported to a temporary holding facility where they would be sorted by sex, age, and pairs (i.e., mare and foal). From this temporary holding facility wild horses would be transported to a BLM facility for preparation into the adoption program or transportation to long-term holding facilities. All action taken would be in compliance with the agency Standard Operating Procedures (SOP) for wild horse gathers. (Appendix I)

The method of capture would be helicopter-drive trapping. In a limited capacity, helicopter-roping would be used on wild horses proven to be difficult to capture. One capture site is anticipated to be needed, and operations should last one day. Whenever possible, the capture site(s) would be located on a previously disturbed area(s). All capture and handling would be conducted in accordance with the Standard Operating Procedures (SOPs) as outlined in Appendix I. The capture and removal of 50 wild horses to aid in the rehabilitation of the Eagle and Buster fires is tentatively scheduled to commence on August 12, 2003 and last one day.

No Action Alternative

This alternative consists of no direct management of wild horses in regards to the Buster and Eagle fire rehabilitation projects. Wild horses would be allowed to utilize the burned areas without direct management of wild horse grazing.

Alternatives Considered but Eliminated from Detailed Analysis

Fencing around the Eagle and Buster Fires was considered. The Buster Fire is located within a portion of the Parsnip Wilderness Study Area (WSA). (Map 3) Due to the wilderness potential of the Parsnip WSA and the mountainous terrain of the Eagle and Buster Fires it is un-feasible to fence the burns. Fencing was not analyzed further.

Description of the Affected Environment

Buster Fire

This 4,117 acre burned area is located largely in the Parsnip WSA section of the Wilson Creek HMA. Elevations in the burned area range from approximately 6,200 feet to 7,272 feet. Vegetation in the burned area was dominated by a mature pinyon (*Pinus monophylla*) and juniper (*Juniperus osteosperma*) woodland with occasional openings; under story was limited. A very small (less than 1/10 acre) area of riparian vegetation was burned in Buster Wash. Small portions of two crested wheatgrass seedings and approximately 100 acres of Wyoming big sagebrush were also involved. The primary wildlife using the Buster Fire is elk, deer, and sage grouse.

Eagle Fire

This 9,017 acre burned area is located in the southeastern section of the Wilson Creek HMA. Elevations in the burned area range from approximately 6,200 feet to 8,400 feet. Vegetation in the burned area was dominated by a mature pinyon (*Pinus monophylla*) and juniper (*Juniperus osteosperma*) woodland with occasional openings; understory was limited. Some riparian vegetation was burned in and around Tobe Spring. Wildlife using the Eagle Fire has been primarily elk and deer.

The Eagle and Buster Fires burned a total of 13,134 acres, which is only 2% of the Wilson Creek HMA. This is a small portion of the HMA, however monitoring shows 50-70 wild horses are known to use these areas. (Map 2)

Environmental Consequences (Proposed Action & Alternatives)

The following critical elements of the human environment are not present and/or not affected by the proposed action: air quality, Areas of Critical Environmental Concern, environmental justice, prime or unique farmland, floodplains, Native American religious concerns, migratory birds,

hazardous and solid wastes, wetlands, visual resource management (VRM), special status species, or wild and scenic rivers.

The following discussion identifies potential impacts related to the capture techniques (helicopter trapping) as described within the proposed action.

Wild Horses

Proposed Action - Under the proposed action, 50 horses would be removed from the area in and around the Eagle and Buster Fires within the Wilson Creek HMA. This would lower the overall estimated population of the HMA from 583 horses (as of July 1, 2003) to 533 wild horses. This would be 373 wild horses in excess of the established AML of 160 wild horses.

Impacts to the wild horse population under the Proposed Action would be minimal due to the large number of wild horses remaining within the Wilson Creek HMA. However impacts to wild horses may occur to individual animals gathered. These impacts include: handling stress associated with the gather, capture, and transportation of animals. The intensity of these impacts would vary by individual, and are indicated by behaviors ranging from nervous agitation to physical distress. Mortality of individuals from this impact is infrequent but does occur in one half to one percent of horses involved in a given gather.

No Action Alternative - Under this alternative, wild horses would not be gathered. Wild horses would continue to graze the Eagle and Buster fire areas. There would be no stress to the wild horses due to gather activities.

Wilderness

Proposed Action - No impacts to wilderness values would occur since traps and holding facilities would be placed outside wilderness study areas. Wilderness values would be positively affected by a reduction in wild horse numbers, resulting in improved ecological condition, and successful rehabilitation efforts of the Buster fire within the Parsnip Peak WAS. (Map 3)

No Action Alternative - No impacts due to gather operations would occur. Impacts to wilderness values would continue to occur in the form of continued degradation of vegetative and soil resources by wild horses within the Parsnip Peak WSA

Vegetation, Soil, Water Quality (Drinking/Ground), and Riparian Areas

Proposed Action - Implementation of the proposed action would remove 50 wild horses which currently use the Eagle and Buster Fires within the boundaries of the Wilson Creek HMA. The proposed action would decrease the impact of hoof action due to horses on the soil around unimproved springs, which should lead to an improvement in riparian habitat conditions. There would also be a reduction in hoof action on upland habitat areas and reduced competition for extremely limited forage and water sources.

Impacts to vegetation with implementation of the proposed action could include disturbance of native vegetation immediately in and around temporary trap sites and holding and processing facilities. Impacts could be from vehicle traffic and hoof action of penned horses, and may be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites and holding facilities would be re-used during recurring wild horse gather operations, any impacts would remain site specific and isolated in nature. In addition, most trap sites or holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment and would therefore generally be adjacent to or on roads, pullouts, water haul sites, or other previously disturbed locations. By adhering to the SOPs, adverse impacts to soils would be minimized.

The removal of wild horses would promote recovery of vegetation within the boundary of the Eagle and Buster Fires. Vegetation would get critical rest needed for rehabilitation and stabilization of the burned sites. Soil trampling would be reduced allowing better filtration from precipitation events. Soils would then be held in place by the root systems, allowing for retention of plants during and after the rehabilitation of vegetation.

No Action Alternative - The localized trampling associated with trap sites would not occur, however, continued wild horse use would lead to grazing of newly seeded areas causing uprooted plants and severe grazing of newly established plants. Specifically, if horses were not removed from the Eagle and Buster Fire rehabilitation sites, they would diminish the chances of establishing a vegetative cover adequate to meet rehabilitation objectives for these two areas. Continued use within the area during the rehabilitation time frame would adversely impact soils, especially around water locations. This continued use would lead to increased stress on forage plant species and degraded range conditions. Soil health and future productivity of the rangeland would be impacted. As native plant health deteriorates and plants are lost, soil erosion would increase. The shallow topsoil typical of this site cannot tolerate much loss without losing productivity and thus the ability to be re-vegetated with native plants. Invasive, non-native plant species would increase and invade new areas following increased soil disturbance and reduced native plant vigor and abundance. This would lead to both a shift in plant composition towards weedy species and an irreplaceable loss of topsoil and productivity.

Wildlife

Proposed Action – The proposed action would result in reduced competition with wildlife for limited forage and water, and increased potential nesting habitat for sage grouse. Elk, deer, and sage grouse primarily use the area in winter and spring. Temporary impacts during the gather could be displacement of game and non-game animals from the immediate area. Due to an increase in human activities and vehicle traffic as well as the noise of the helicopter these disturbances would only occur during the capture period, and wildlife would soon return to the area after the gather.

No Action Alternative - Wildlife would not be displaced or disturbed under the No Action alternative, however, there would be continued competition between wildlife and wild horses, for

water and forage resources. Long-term indirect impacts to wildlife and direct wildlife habitat could be more severe than under the proposed action. Yearlong use by wild horses would diminish the chances of establishing adequate perennial vegetative cover

Livestock grazing

Proposed Action - Gather operations would not impact livestock operations as the burns are currently closed to livestock grazing.

No Action Alternative – Livestock would not be affected under the No Action alternative. The burns are currently closed to livestock grazing. The long term effect of the No Action alternative would be the loss of potential forage in the burn areas due to wild horse grazing during the critical growing period of the first two years after seeding occurs. In addition, in the long term if the fire rehabilitation objectives are not met the areas will remain closed with little to no potential forage for livestock use.

Noxious Weeds and Invasive Non-Native Species

Proposed Action - The proposed gather may spread existing noxious weed species. This could occur if vehicles drive through infestations and spread seed into previously weed-free areas. BLM specialists would examine proposed trap sites and holding corrals prior to construction. If noxious weeds were found, the location of the facilities would be moved to a location with no noxious weeds.

No Action Alternative - Under this alternative, the wild horse gather would not take place. However, overgrazing and increased stress of recently seeded plant communities could lead to elimination of native plant species and an expansion of noxious weeds. Rangeland in poor ecological health provides less forage, and is susceptible to invasion by non-native weeds.

Cultural, Paleontological, and Historical Resources

Proposed Action - No impacts to cultural resources are anticipated to occur since all trap sites and holding facilities would be inventoried for cultural resources prior to construction. As stated in the SOPs, an archaeologist or a District Archeological Technician (DAT) would review all proposed and previously used trap sites and facility locations to determine if these sites have had a cultural resources inventory, and/or if a new inventory is required. If cultural resources are encountered at proposed trap site(s) or holding facility location(s), those location(s) would not be utilized unless it could be modified to avoid impacts to cultural resources.

No Action Alternative - Under this alternative, the wild horse gather would not take place and therefore, no trap sites or holding facilities would be constructed. Cultural resources would not be damaged as a result of the horse gather however, wild horses can cause damage to cultural resources due to trampling, especially around water sources, where the occurrence of cultural resources is often high.

Cumulative Impacts

Cumulative impacts are impacts on the environment, which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Implementation of the proposed action would remove the wild horses residing inside and around the Eagle and Buster Fires located within the boundary of the Wilson Creek HMA.

Implementation would reduce the grazing pressure from wild horses during the rehabilitation period. Implementation would also reduce stress on forage resources and would result in an increase in vegetation density, vigor, reproduction, productivity, and forage availability.

Past, present, and reasonably foreseeable activities which would be expected to contribute to cumulative impacts of continued wild horse management, livestock grazing, fencing of riparian areas, wildlife use, and wilderness management. Continued winter/spring deer and elk use on the rehabilitation areas, no current use by domestic livestock and a reduction in wild horse from the proposed action would combine to improve the forage quality, abundance, and continuity within the rehabilitation areas.

These impacts would expect to be marked by changes occurring slowly over time. The Ely Field Office would continue to monitor these impacts as they occur

Mitigation Measures

The proposed action incorporates proven standard operating procedures, which have been developed over time. These SOPs (Appendix I) represent the "best methods" for reducing impacts associated with gathering, handling, and transporting. Additional mitigation measures are not warranted.

Suggested Monitoring

Monitoring would be the same as stated in the Emergency Stabilization and Rehabilitation Plans (ESR) for the Buster and Eagle Fires. The Buster Fire ESR Plan states, "Monitoring would be conducted beginning one year following the treatment. The purpose of the monitoring would be to determine when the closure objective is achieved, and to gain knowledge and experience from this treatment regarding how future fires can be rehabilitated. Monitoring would be conducted in accordance with accepted Nevada BLM monitoring methodologies as well as the rehab effort and obtainment of objectives for the rehab." The Eagle Fire ESR Plan states, "Progress would be measured from representative key areas using line intercept or quadrat frequency methods. Monitoring areas would be established one year following the seeding and would then be measured starting the second year after treatment for a minimum of three years after the burn."

All monitoring would be in compliance with approved BLM methods. In addition, field visits as well as census work would be done to verify wild horse use and numbers within the area.

Consultation and Coordination

Internal District Review

Ely Field Office/Caliente Field Station Staff

Jared Redington	Wild Horses and Author
Jared Bybee	Wild Horses
Paul Podborny	Wild Horses/Wildlife
Bill Smith	Wildlife/Riparian/T&E
Carolyn Sherve-Bybee	Cultural Resources
Bruce Winslow	Recreation/Wilderness
Karen Prentice	Noxious Weeds
Shirley Johnson	Range
Elvis Wall	Native American Coordination

Consultation and Coordination

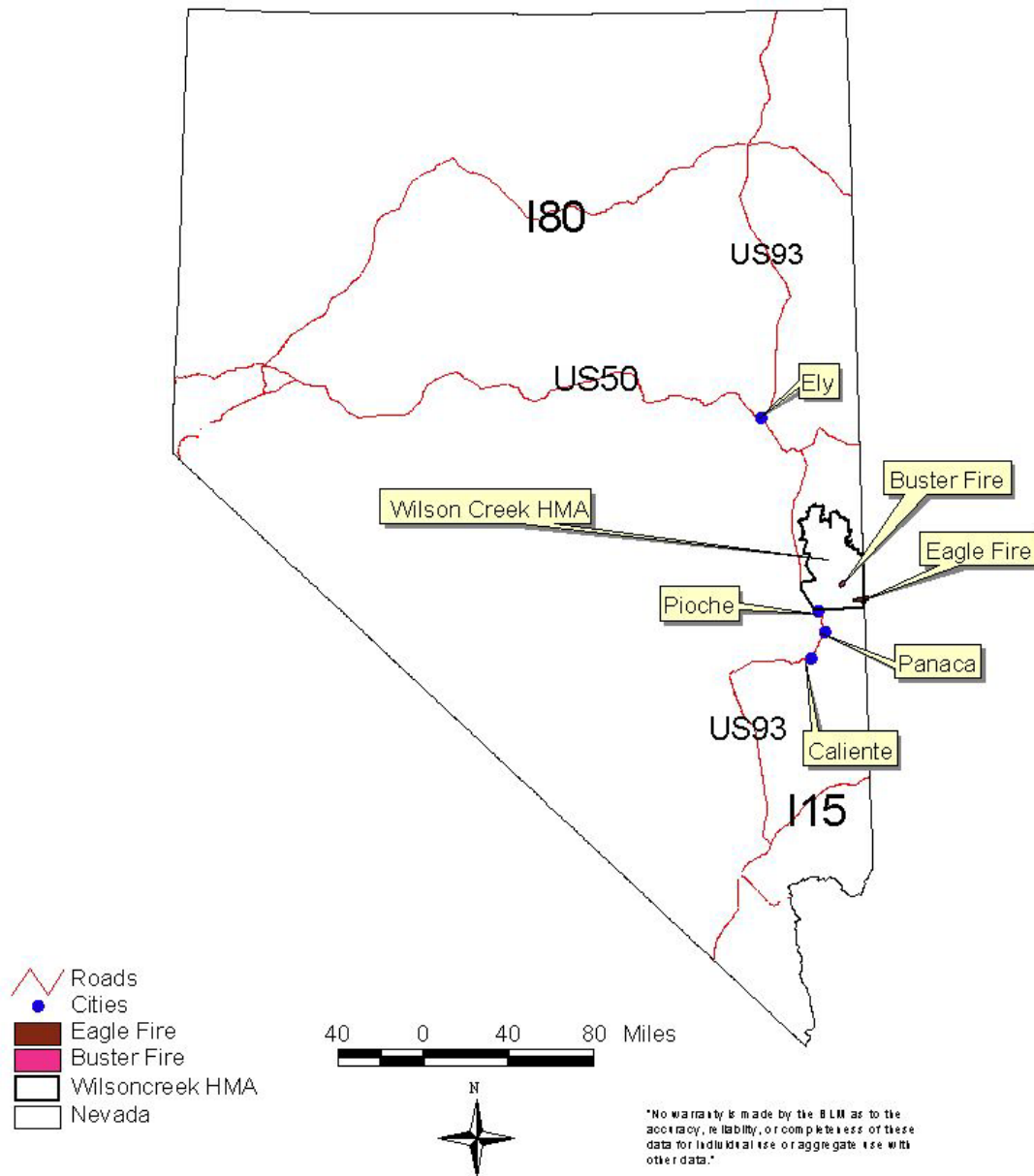
Intensity of Public Interest and Record of Contacts

There are many individuals and groups who are interested in the management of wild horses on public lands, including wild horse gathers. This EA will be mailed to the following list of people:

American Horse Protection Association
American Mustang and Burro Association
Animal Protection Institute of America
Board of Commissioners, Lincoln County
Mr. Paul C. Clifford Jr.
Comm. for the Preservation of Wild Horses
Mr. Craig C. Downer
Colorado Wild Horse and Burro Coalition
Mr. Steven Fulstone
Intl. Society for the Protection of Mustangs and Burros
Wild Horse Sanctuary
The Fund for Animals, Inc.
Donald A. Molde, M.D.
National Mustang Association, Inc.
National Wild Horse Association
Nevada Cattlemen's Association
Nevada Division of Wildlife, Las Vegas
Nevada Division of Wildlife, Mike Scott
Nevada Farm Bureau Federation
Nevada Outdoor Recreation Association
Nevada State Department of Agriculture

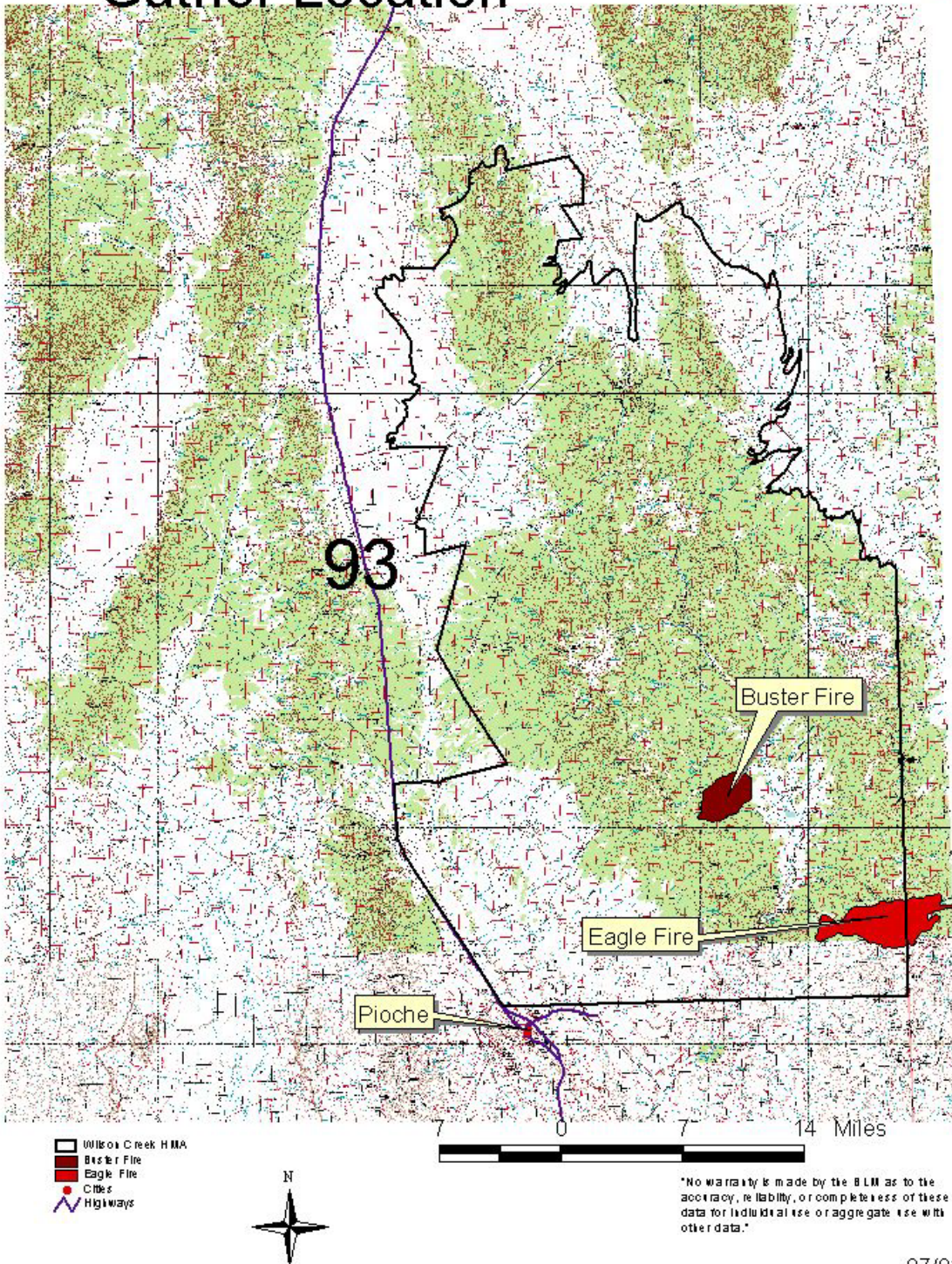
Nevada Wool Growers Association
Board of Commissioners, Nye County
Wild Horse Spirit
Toiyabe Chapter of the Sierra Club
U.S.FWS, Bob Hallock
The Humane Society of the United States
Nevada State Clearinghouse, Wild Horse Commission
Wild Horse Organized Assistance
Tribal Manager, Duckwater Tribal Council
Roberta Moore
Ms. Tina Nappe
Save the Mustangs
Eastern Nevada Landscape Coalition
Nevada Division of Wildlife, Teri Slatauski
8-Mile Ranch
Blue Diamond Oil Corporation
Bulloch Brothers
Frank & Rose Delmue
El Tejon Cattle Co.
Carlisle Hulet
Bruce & Pamela Jensen
Lake Valley Cattle LLC
Paul C. Lewis
Gordon Lytle
Ken & Donna Lytle
Pearson Brothers
Department of Agriculture
George I. Andrus
Carter Cattle Company
Committee for the High Desert
Steve Foree
Melvin Gardner
Shelley Hartmann
Dan Heinz
Lincoln County Commission
John McLain, Principal
Jon Marvel
USFWS, Southern Nevada Field Office
Jule Wadsworth

Project Location



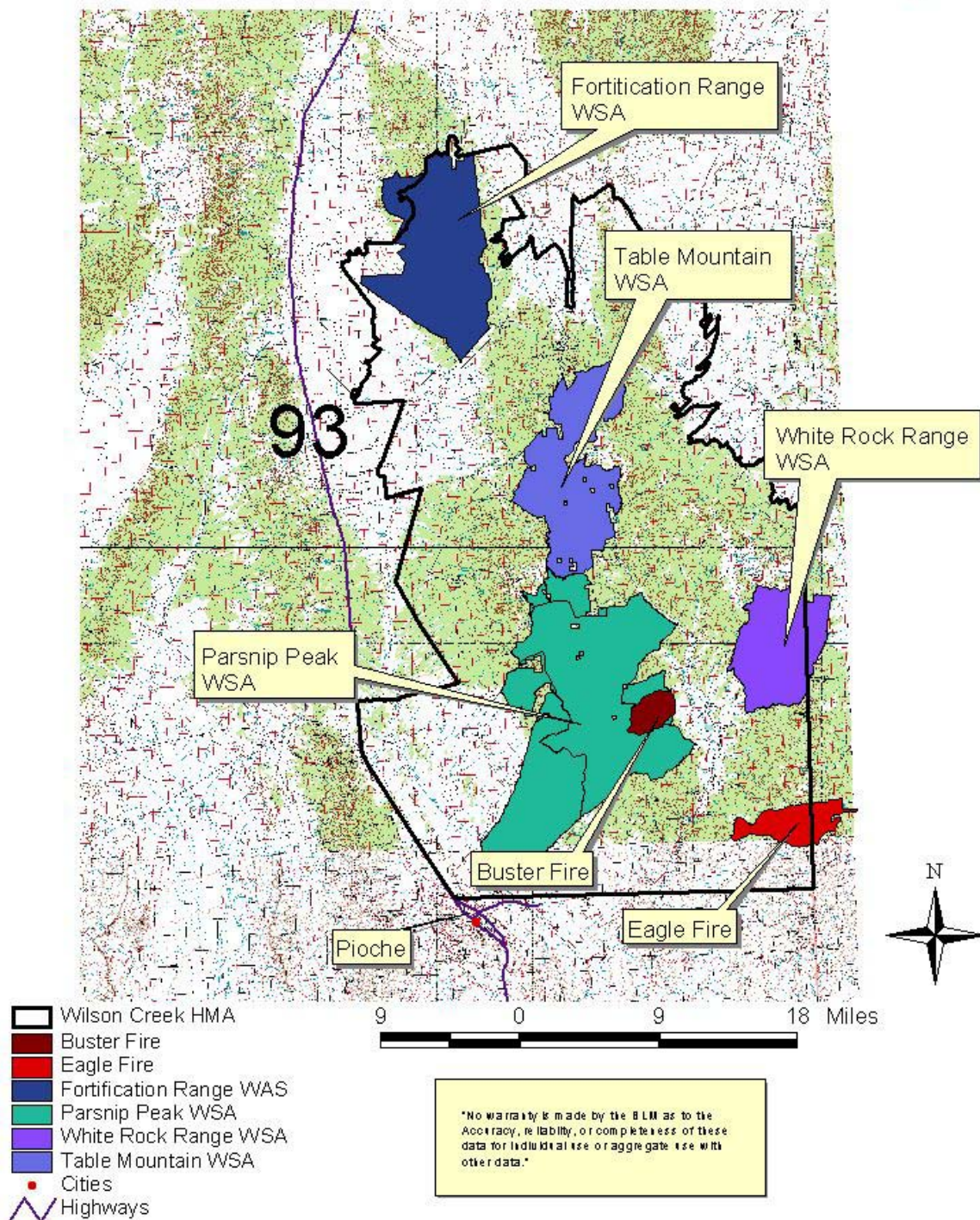
Map 2

Wilson Creek HMA and Gather Location



07/02/20003

Wilson Creek HMA & Wilderness Study Areas



APPENDIX I

STANDARD OPERATING PROCEDURES

Gathers would be conducted by contractors or agency personnel. The same procedures for gathering and handling wild horses and burros apply whether a contractor or BLM personnel are used. The following stipulations and procedures will be followed to ensure the welfare, safety and humane treatment of the wild horses and burros (WH&B) in accordance with the provisions of 43 CFR 4700.

Gathers are normally conducted for one of the following reasons:

1. Regularly scheduled gathers to obtain or maintain the Appropriate Management Level (AML).
2. Drought conditions that could cause mortality to WH&B due to the absence of water or forage, and where continued grazing may result in a downward trend to the vegetative communities due to plant mortality and reduced vigor and productiveness.
3. Fires that remove forage to the extent that there is inadequate forage to sustain the population or to allow recovery of native vegetation.
4. Utilization levels that reach a point where a continued increase in utilization would cause a downward trend in the plant communities and impede meeting standards for rangeland health.
5. Monitoring indicates that WH&B use would begin to cause a downward trend in riparian function or not permit the recovery of riparian vegetation determined to be in undesirable condition.

A. Capture Methods used in the Performance of a Gather - Contract Operations

1. Helicopter - Drive Trapping

Capture attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If this method is selected the following applies:

- a. A minimum of two saddle-horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the BLM. Under no circumstances shall animals be tied down for more than one hour.
- b. The contractor shall assure that bands remain together, and that foals shall not be left behind.

- c. A domestic saddle horse(s) may be used as prada (or "Judas") horse to lead the wild horses into the trap site. Individual ground hazers may also be used to assist in the gather.

2. Helicopter - Roping

Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If this method is selected the following applies:

- a. Under no circumstances shall animals be tied down for more than one hour.
- b. The contractor shall assure that bands remain together, and that foals shall not be left behind.

B. BLM Conducted Gather - Non-Contract Operations

- 1. Gather operations will be conducted in conformance with the Wild Horse and Burro Aviation Management Handbook (March 2000).
- 2. Two-way radio communication between the helicopter and the ground crew will be maintained at all times during the operation.

C. Safety and Communications

- 1. The Contractor shall have the means to communicate with the BLM and all contractor personnel engaged in the capture of wild horses and burros utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government will take steps necessary to protect the welfare of the animals.
 - a. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the BLM violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor will be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the BLM.
 - b. The Contractor shall obtain the necessary FCC licenses for the radio system.
 - c. All accidents occurring during the performance of any delivery order shall be immediately reported to the BLM.

2. Should the helicopter be employed, the following will apply:
 - a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.
 - b. Fueling operations shall not take place within 1,000 feet of the animals.
 - c. At time of delivery order completion, the contractor shall provide the BLM with a completed copy of the Service Contract Flight Hour Report.

D. Trapping and Care

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:
 - a. All trap and holding facilities locations must be approved by the BLM prior to construction. The Contractor may also be required to change or move trap locations as determined by the BLM. All traps and holding facilities not located on public land must have prior written approval of the landowner.
 - b. A cultural resources investigation by an archaeologist or an archaeological technician would be conducted prior to trap or holding facility construction. If cultural values are found, an alternative site would be selected.
 - c. Prior to facility (temporary traps and holding corrals) construction, the proposed locations would be examined for the presence of noxious weeds. If it is determined that noxious weeds are present, the contractor would be instructed to locate the facilities elsewhere. The contractor and his personnel would also be instructed to avoid camping in or driving through noxious weed infestations.
2. The rate of movement and distance the animals travel shall not exceed limitations set by the BLM who will consider terrain, physical barriers, weather, condition of the animals and others factors.
3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses

and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

- b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered with plywood (without holes) or like material.
 - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable restraining chute to restrain, age, or provide additional care for animals shall be placed in the runway in a manner as instructed by or in concurrence with the BLM.
 - d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.
 - e. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.
- 4. No fence modifications will be made without authorization from the COR/PI. The Contractor/BLM shall be responsible for restoration of any fence modification.
 - 5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor/BLM shall be required to wet down the ground with water.
 - 6. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age or other similar practices. In these instances a portable restraining chute will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires the animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the Contractor may be required to provide additional holding pens to

segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the BLM.

7. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.
8. It is the responsibility of the Contractor/BLM to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
9. The Contractor/BLM shall restrain sick or injured animals if treatment is necessary. A veterinarian may be called to make a diagnosis and final determination. Destruction shall be done by the most humane method available. Authority for humane destruction of wild horses (or burros) is provided by the Wild Free-Roaming Horse and Burro Act of 1971, Section 3(b)(2)(A), 43 CFR 4730.1, BLM Manual 4730 - Destruction of Wild Horses and Burros and Disposal of Remains, and is in accordance with BLM policy as expressed in Instructional Memorandum No. 98-141.

Any captured horses that are found to have the following conditions may be humanely destroyed:

- a. The animal shows a hopeless prognosis for life.
 - b. Suffers from a chronic disease.
 - c. Requires continuous care for acute pain and suffering.
 - d. Not capable of maintaining a body score of one.
 - e. The animal is a danger to itself or others.
10. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the BLM for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the BLM. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the BLM. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the BLM. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be

transported back to the original trap site. This determination will be at the discretion of the BLM.

11. The BLM will issue a Notice of Intent to Impound Unauthorized Livestock prior to all gathers. Branded or privately owned animals whose owners are known will be impounded by BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for Processing under Nevada estray laws.

E. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the BLM with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the BLM.

5. Floors of tractor-trailers, stock trailers, and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the BLM and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

11 sq. ft. per adult horse (1.4 linear ft. in an 8ft. wide trailer);
6 sq. ft. per horse foal (.75 linear ft. in an 8ft. wide trailer).
7. Prior to any gathering operations, the BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine the level of activity likely to cause undue stress to the animals, and whether such stress would necessitate a veterinarian be present. If it is determined that capture efforts necessitate the services of a veterinarian, one would be obtained before capture would proceed. The Contractor will be informed of all the conditions and will be given directions regarding the capture and handling of animals to ensure their health and welfare is protected.
8. If the BLM determines that dust conditions are such that animals could be endangered during transportation, the Contractor will be instructed to adjust speed.
9. Trap sites will be located to cause as little injury and stress to the animals, and as little damage to the natural resources of the area, as possible. Sites will be located on or near existing roads. Additional trap sites may be required, as determined by the BLM, to relieve stress caused by specific conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

F. Animal Characteristics and Behavior

Releases of wild horses would be near available water. If the area is new to them, a short-term adjustment period may be required while the wild horses become familiar with the new area.

G. Public Participation

It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only BLM personnel, or contractors may enter the corrals or directly handle the animals. The general

public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

H. Responsibility and Lines of Communication

Ely District

Contracting Officer's Representatives

Jared Bybee

Project Inspectors

Mike Perkins

Jody Nartz

Jared Redington

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Ely Assistant Field Manager for Renewable Resources and the Ely Field Manager will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and PVC Corral offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquiries will be handled through the Assistant Field Manager for Renewable Resources. This individual will be the primary contact and will coordinate the contract with the PVC Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be vigorously enforced.

Should the Contractor show negligence and/or not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.